

ARIZONA STATE BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Volume 11, Issue 1

May 2006

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Welcome to 2006 and this 11th Edition of the Board Bulletin

This publication offers the Board's 2005 Annual Report and other information specifically designed to increase the level of licensee and public awareness relative to the responsibilities and obligations of both. The Board will make every effort possible to assure current issues that impact licensees and consumers alike are disseminated in an expeditious manner.

Calendar year 2005 arrived and departed just as quickly, employing similar complaints and some more intriguing dockets which were presented and deliberated by the Board. The Arizona State Board of Funeral Directors and Embalmers has attempted to maintain an effective regulatory agency ensuring that all licensees and registrations perform their responsible professional duties in a manner which provides maximum protection for the health, safety and welfare of all Arizona residents. Additionally, the Board has provided information to the public and licensees in an effort to keep all concerned aware of potential problems and prevent future violations of statutes and rules. The more informed our licensees are the better off our consumers and the industry itself will be. The Board's Administrative Staff has always taken a non-adversarial position and continues to maintain a non-biased approach to every situation. This has created continual open lines of communications which have benefited all.

The New Year will again bring on new challenges and the Board and licensees will be called upon to maintain the highest degree of professionalism to all concerned. If the actions and mistakes of members of the industry are received as tools to improve and avoid similar problems then everyone benefits. For most individuals it is much easier to act accordingly rather than incorrectly. The funeral professionals in this state have always strived to provide assistance to those with needs and I am proud to be a part of the Board's goal and mission. Continue with actions that are ethical and always protect the dignity and welfare of the deceased and family. The Board staff will always make every effort to go over and beyond to assist and educate consumers and licensees. In the future as stated in the past, please do not hesitate to contact the Board's staff for assistance.

Thank you and have another tremendous year!

BOARD VISION

To create and maintain a balance between fair and equitable business regulation and the protection of the public's health, safety and welfare in the use and purchase of goods and services required for death.

PHILOSOPHY

To maximize public protection through education and minimal regulation.

BOARD MISSION

To maintain and enforce a set of standards that provides protection for the health, safety and welfare of Arizona Citizens by educating the consumer and by actively and impartially regulating those licensed to provide funeral goods and services.

BOARD STRATEGIC PLAN GOALS

1. To ensure that where regulation is required that consumers are only accessing licensed Businesses or Individuals and that licenses are only granted and renewed to competent Individuals with high standards of professional and ethical conduct.
2. To ensure and enforce that information is made available to both the consumer and the Licensee that educates them to the standards of practice, their rights and obligations.
3. To actively and impartially investigate and resolve allegations and complaints, and provide enforcement to protect the public from incompetent services, unprofessional, unethical and illegal conduct.

BOARD DESCRIPTION

The State Board of Funeral Directors and Embalmers examines and licenses individuals who provide funeral goods and services. The Board accepts complaints against licensed individuals, establishments in-

cluding staff, investigate allegations, and forwards complaints of criminal/civil matters to appropriate authorities. The Board oversees approximately 1500 licensees practicing in the state, and serves all Arizona citizens who receive funeral goods and services.

BOARD STATUTORY FUNDING FORMULA

ARS 32-1308 requires that all fees and revenues accruing to the Board be paid to the State Treasurer. Ninety percent of the fees are paid to the Board's fund to cover operational fees and one hundred percent of civil penalties are deposited in the State's general fund. For fiscal year 2005, ninety percent represents the Board's appropriated budget of \$256,770 however nearly \$375,000 was collected. With ten percent at approximately \$37,000, plus civil penalties estimated at \$2,000, the Board is returning at least \$39,000 to the State's general fund.

BOARD COMPOSITION

The Board is comprised of four qualified and practicing funeral directors and three consumers, one of which must be the owner or manager of a business. Board Members are appointed by the Governor and serve four-year terms with annual elections for President and Secretary.

STAFFING & BUDGET

The Board maintains four full time positions. An Executive Director responsible for overall administration, a Deputy Director responsible for investigations and continuity of operations during the Directors absence, a Compliance Administrator responsible for the evaluations of all licensed establishments and a Licensing Coordinator responsible for licensing and continuing education. The Board was fully staffed during the reporting period.

The Board's appropriation for FY 2004 was \$268,800 and \$285,300 for FY 2005.

ENFORCEMENT INFORMATION

This section has been renamed and the scope of information provided will be centered on current procedural or statutory modifications to keep licensees in compliance. Because of the numerous questions received concerning amendments to Title 36, this section is being repeated to hopefully answer most concerns. The following information has been received from the Office of Vital Registration referencing Title 36, Chapter 3 of Arizona Revised Statutes and effective August 2004:

- Since physicians and nurse practitioners have three days to certify a cause of death, **funeral establishments now have seven days to register a death certificate with the Registers Office.** Take the time to obtain all required information and insure data integrity.
- **Nurse Practitioners** who have completed the online course via the Board of Nursing website **may now certify cause of death as well.**
- **Definition of “Family Member”** has been extended to include spouse, maternal or adopted offspring, father, mother, grandparent, grandchild to any degree, brother, sister, aunt, uncle, cousin. You may apply on behalf of these family members so please obtain documentation that proves their relationship to the decedent and maintain in your files. The documentation need not be submitted with each request; however, there have been incidents where the office has had to make requests for it.
- **Funeral establishments or responsible persons may move human remains** from a hospital, nursing care institution or hospice inpatient facility where a death occurred from one registration district (county) to another (county) **within the state as long as the registration (county) where the death occurred receives notice within 24 hours after moving the human remains. This means that you are not**

required to call for permission to transport from one county to another county outside of normal business hours. Please note that disposition may not occur without first obtaining a permit number.

The Office of Vital Records has additionally requested the following reminders:

- Please obtain proof and documentation from family member when applying for death certificates on their behalf. These should be maintained in your files.
- It is essential that fax requests for permit numbers be received in ample time prior to a disposition for the Office of Vital Records and Medical Examiners Office.
- Please advise employees to review and double check all death certificates prior to submission. The most common errors are disposition date, social security numbers, wrong permit numbers and obvious spelling errors.
- When leaving phone messages please provide the decedent’s name, permit number and detailed request. The Office of Vital Records has also requested the Board to include the following funeral home training dates for 2006:

June 20th • September 26th • December 12th

If you have any questions please contact Sharon Melton of the Assistant Death Registry at 602-364-1252.

LAWS AND RULES

On August 2, 2005 Arizona Administrative Code R4-12-120 was approved by the Governor's Regulatory Review Council to ensure that funeral establishments and crematories are in compliance with A.R.S. § Title 32, Chapter 12. Although A.R.S. § 32-1307(A)(h) requires the Board to conduct an inspection of all funeral establishments and crematories every five years, the Board's practice is to conduct inspections more frequently, as often as every 12 to 15 months, to ensure compliance. Although the new rules do not have a direct impact on consumers, the rule does provide an indirect impact by assuring that inspections are performed in a consistent manner. Thus, the consumer has the satisfaction of knowing that a funeral establishment or crematory is being inspected for conformance of the laws and rules. This year a docket opening on our crematory rules is underway and the remaining rules should follow thereafter.

LICENSING ACTIONS

During the reporting period, in addition to over 1500 renewals, the Board also issued:

- 4 Crematory Licenses
- 6 Establishment Permits
- 12 Pre-Need Salespersons Registrations
- 13 Interns
- 35 Embalmers
- 30 Funeral Directors Licenses
- 22 Establishment Licenses (includes new, location changes, ownership)
- 23 Cremationist Licenses

IMMUNITY DOCUMENT

A.R.S. 32-1365.01

The Board's Staff continues to receive questions relative to A.R.S. 32-1365.01 more commonly known as the Immunity Document. Therefore, we feel it is imperative to again reemphasize the value of utilization of the statute. A signed dated prearranged cremation plan by a funeral trust, insurance or other fi-

nancial arrangement will alone not suffice, if upon death no spouse is present or a challenge by siblings exists. However, if you have followed the guidelines provided in the law and include similar language you will be immune to criminal and civil liability and not be subject to professional discipline. If you have any questions do not hesitate to call the office for assistance. A legally competent adult may prepare a competent adult's remains. This written statement may but need not be part of the competent adult's will.

The legally competent adult shall sign and date the document. The document shall be notarized or witnessed in writing by at least one adult affirming that the notary or witness was present when the competent adult signed and dated the document and that the competent adult appeared to be of sound mind and free from duress at the time of execution of the document.

The document that conforms to this section in authorizes a crematory, cemetery or funeral establishment to carry out the wishes of the competent adult who is the subject of the document. It is not necessary for a crematory, cemetery or funeral establishment to obtain the consent or concurrence of any other person when it cremates or provides for the lawful disposition of a dead human body pursuant to instructions contained in a document that conforms to this section.

This section does not mandate that a crematory, cemetery or funeral establishment cremate or otherwise provide for the lawful disposition of a dead human body pursuant to the document unless the legally competent adult who executed the document made any financial arrangements necessary to effectuate the legally competent adult's wishes as expressed in the document.

A crematory, cemetery or funeral establishment that cremates or otherwise provides for the lawful disposition of a dead human body in good faith

reliance on an apparently genuine document executed pursuant to this section is immune from criminal and civil liability and is not subject to professional discipline. The decision of a crematory, cemetery or funeral establishment to cremate or otherwise provide for the lawful disposition of a dead human body in reliance on a document executed pursuant to this section is presumed to be made in good faith.

OTHER AGENCY IMPROVEMENTS
The State Board’s Office has redesigned its current web site to reflect that of the State of Arizona. Take a little time to browse at this informative site. The address is www.funeralbd.state.az.us.

Year 2005 included enhancements to the Boards website. Consumers can now locate a complete listing of all licensed and registered personnel. This includes the name and address of both funeral establishments and crematories. Modifications on the site will provide accessibility to users who wish to query the name of current licensees and registrants. The queries can be accomplished through a name, city, or simply by listing an alphabetical letter for example, all last names that begin with the letter R. In addition an establishment, licensee, or registrant disciplinary history will also be available. There will be no access to personal addresses or phone numbers however the type and date of license renewal will be available. Because of the above listing, the names of individual licensees and establishments will no longer be included in the annual report.

The following statistics were gathered in this time frame.

Conventional Burials	16,384	36%
Cremations	25,031	55%
Ship Outs	4,095	9%
Total	45,510	100%

CONTINUING EDUCATION MASTER RESOURCE LIST

PROGRAMS BY NATIONAL FUNERAL SERVICE ORGANIZATIONS:

- Academy of Professional Funeral Service Practice
- American Funeral Consultants
- American Board Funeral Service Education
- National Association of Approved Morticians
- National Funeral Dir. & Morticians Association
- Int'l Conference of Funeral Service Exam Boards
- National Funeral Directors Association
- Cremation Assoc. of North America
- FIAT-IFTA Int'l Fed. of Thanatologist
- Federated Funeral Dir. of America
- Funeral Service Foundation
- Jewish Funeral Directors Association
- Western Cemetery Alliance
- Selected Independent Funeral Homes
- Order of Golden Rule
- Preferred Funeral Directors International
- Casket Manufacturer Association
- Int'l. Cemetery and Funeral Association

A. PROGRAMS SPONSORED BY STATE ASSOCIATIONS:

- Arizona Cemetery Association
- Arizona Funeral Directors Association
- Any other State Association where the State requires Continuing Education

B. PROGRAMS SPONSORED BY LOCAL ASSOCIATIONS:

- Grief Outreach
- Grief Network
- New Song Center
- American Academy of Bereavement
- Lions Eye Bank
- Accord Aftercare Services

C. PROGRAMS SPONSORED BY SUPPLIERS:

- Batesville

- Dodge Chemical Company
- Elder Davis
- Forethought
- Matthews Bronze/Matthews Cremation Division
- Wilbert & Company
- York Products
- Crematory Manufacturing & Service Inc. Options
- Aurora Casket Company Options
- Trigard University

D. HOME STUDY COURSES WITH TEST:

- Thanos Institute: Phone 1-800-742-8257
- ARC Mesa Educators: Phone 1-800-597-6372
- NFDA Home Study: Phone 1-800-228-6332
- Funeral Ethics Association: Phone 1-217-525-1520
- Elite: Phone 1-888-857-9620
- Practicum Strategies: Phone 1-800-731-4714
www.info@pshomestudy.com

E. COLLEGE COURSES

F. HOSPITAL OR LABORATORY BASED INSTRUCTIONAL HOSPICE

G. GOVERNMENT AGENCIES:

- Board of Funeral Directors & Embalmers
- Arizona Department of Health Services
- Social Security Administration
- Veterans Administration
- FEMA (Federal Emergency Mgt Association)
- OSHA
- Office of the Medical Examiner (Arizona)
- Public Fiduciary

H. OTHER:

- Center for Loss & Life Transition
- Continental Computers
- Diversified Environment Information Systems

- Epsilon Nu Delta Mortuary Fraternity, Inc
- In-Sight Institute of In-Sight Books
- Life Appreciation Training
- Foundation Nat'l. Academy Professional Embalming Skills
- Risk & Insurance Management Society
- Career Track, Inc. (Seminars only) SCI
- Howard Perlman-OSHA, Compliance & Risk Mgt.
- Duane Moore-OSHA Compliance & Risk Mgt.
- MKJ Marketing
- 360 Training www.funeralcampus.com
- Heartspace Adventures, Barbara Joy PhD
- Mission for Infant Survival & Stillbirth (M.I.S.S.)
- Ford Schools Insurance and Securities
- Great Western Insurance Company
- Dr. Thomas Taggart, Director, Mortuary Science Program
- Forensic Medical Investigations, Mary H. Dudley, MD
- Practicum Strategies
- Donor Network of Arizona
- Funeral Review.com, LLC
- Alderwoods Group
- Elite
- www.Mindleaders.com, Inc.
- SCI
- Stericycle

REQUIRED CONTINUING EDUCATION CATEGORIES AND HOURS:

- Mortuary Science 3 hours
- Legal Compliance & Ethics 3 hours
- Professional Development 6 hours

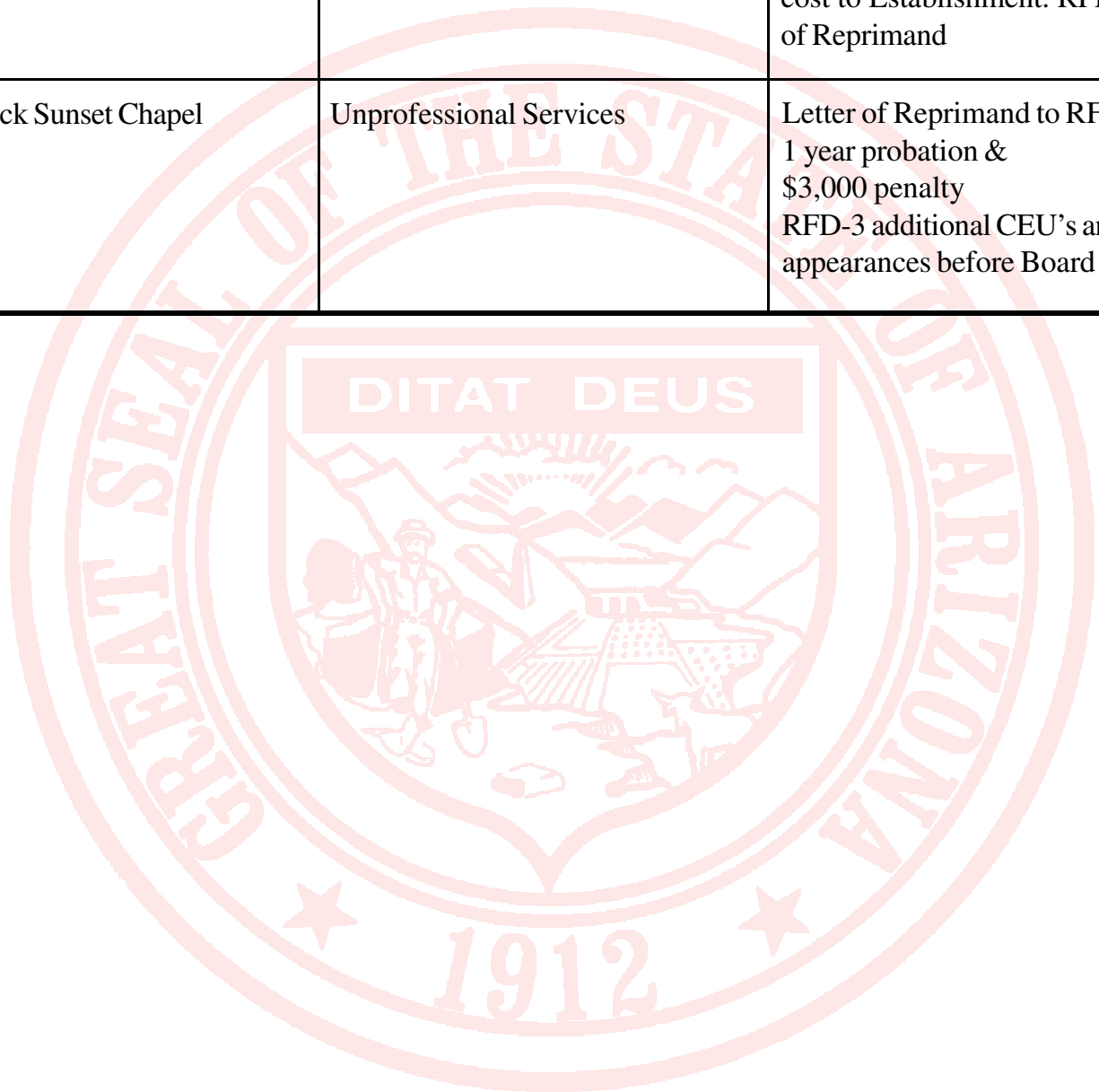
CONTINUING EDUCATION COMMITTEE MEMBERS

- Nancy Keil-Chair
- Ed O'Sullivan-Committee member
- Julian King-Committee member
- Jesse DeAnda-Committee member
- Patricia Keith-Board Liaison

2005 DISCIPLINARY ACTIONS

2005 DISCIPLINARY ACTION

Licensee	Violation	Action Taken
Sutton Memorial Funeral Home	Unprofessional Services	Letter of Reprimand & \$500 Admin cost to Establishment. RFD-Letter of Reprimand
Camelback Sunset Chapel	Unprofessional Services	Letter of Reprimand to RFD 1 year probation & \$3,000 penalty RFD-3 additional CEU's and appearances before Board



A MESSAGE FROM THE BOARD PRESIDENT

May 2006

It is my honor and privilege to greet you for the first time as the President of the Arizona State Board of Funeral Directors and Embalmers. I look forward to meeting you as we work together to serve the people of Arizona.

I am a retired United Methodist minister and a retired Air Force chaplain. In my many years of pastoral ministry I have done countless funerals, and I have recently lost both of my parents in death. Death is a time of great emotional intensity susceptible to miscommunication. Problems with the handling of the deceased or with the grieving loved ones can exacerbate the grieving process causing unnecessary pain and suffering.

I bring unique qualifications to the Board. As a retired Air Force chaplain who reached the rank of colonel, I have worked with or taught chaplains from over 80 Protestant denominations as well as Catholic priests, Orthodox priests, and Jewish rabbis. As the senior ranking chaplain at a base, I was responsible for a religious program with Protestant, Catholic, Jewish, Muslim, and Earth-Based Religions parishes. I have also provided support to Buddhist and Hindu military personnel. I was, and am, committed to providing for the free exercise of religion.

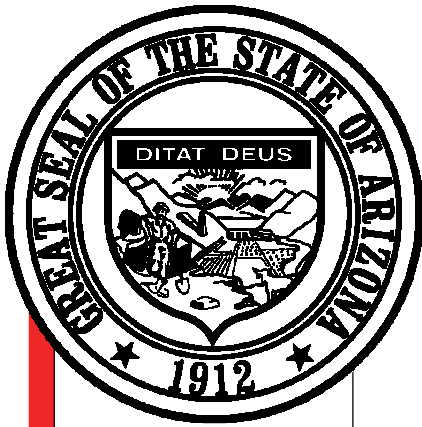
I have worked with many funeral directors. I respect their, and your, professionalism. I believe you want the Board to uphold the standards of your profession. I believe with you that all consumers of your services should be treated fairly and with respect. When a complaint is brought to the Board, I believe that our review and interview process must be conducted with dignity and fairness so that both sides are heard in an environment that protects the rights of all involved. When a complaint is validated, I hope it becomes the opportunity for the involved funeral director and establishment to improve their services to avoid any repetition as well as for the rest of our licensees to benefit from any lessons learned. Use those lessons learned in your continuing education.

Thank you for your outstanding record of voluntary compliance with the requirements of the State of Arizona. Our superb staff of Rudy, Michael, Alex, and Pat is committed to serving and supporting you. I trust that you are using their expertise. I encourage you to contact them when you first become aware of a problem.

After one year on the Board, I have these observations. If you find yourself in a heated or strained situation with a family, take a five-minute break to de-escalate the situation. Consider excusing yourself and bringing in another staff member who may be able to establish better rapport. Ensure all your staff, not just the licensed professionals, knows the basic rules of the profession, and treat them fairly and with respect. I encourage you to model the highest professional standards with all involved.

Thank you for your outstanding service to the people of Arizona in their time of pain and need.

Reverend Katherine A. Shindel



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ARIZONA STATE BOARD OF FUNERAL DIRECTORS AND EMBALMERS

2006 BOARD MEETING SCHEDULE

January 18th

February 21th

March 21th

April 18th

May 16th

June 20st

July 18th

August 15th

(Tele-Conf)

September 19th

October 17th

November 21th

December 19th